



I hereby certify that this paper (along with any paper referred to as being attached enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 6, 2006

Signature:

(Robert B. Cohen)

Docket No.: SONYJP 3.0-1204
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Watanabe et al.

Application No.: 08/764,394

Filed: December 11, 1996

Art Unit: 2731

For: TELEPHONE APPARATUS USED FOR
COMPUTER NETWORK TELEPHONE
SYSTEM

Examiner: S. Nguyen

PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

Dear Sir:

Applicant, Sony Corporation, through its attorneys as represented in the Power of Attorney submitted to the PTO on January 31, 2006 (copy attached as Exhibit A, as well as the PTO date stamp of acknowledgement of receipt on January 31, 2006), hereby petitions for revival of the above application.

On or about December 9, 2005, applicant, Sony Corporation, requested Cooper & Dunham LLP, the prior attorneys of record, forward its file in connection with the above-identified application to the undersigned attorneys for handling of all further prosecution. Upon receipt of the file, the undersigned attorneys promptly reviewed the file and determined that the application had been abandoned for failure to timely

pay the issue fee. A copy of the Notice of Abandonment mailed June 29, 2000 was part of the file jacket as received from Cooper & Dunham LLP.

As the application had been allowed, and the file did not contain any correspondence which indicated that the applicant was not interested in paying the issue fee, the undersigned attorneys contacted the applicant, Sony Corporation, who confirmed that it did not wish for this application to become abandoned. It is respectfully requested that the PTO review the following information and allow the applicant to submit the issue fee. The following is presented to the PTO in support of this petition and is based solely on the contents of the file as it was furnished to the undersigned. The previous attorney, Jay H. Maioli, is no longer employed with the firm of Cooper & Dunham LLP and therefore is not available to provide any further information.

The file jacket contains an Amendment filed in the PTO on October 4, 1999 as well as a letter to the applicant dated December 14, 1999 wherein Mr. Maoili reports to the applicant that during an interview with the Examiner, upon making minor changes, the application was in condition for allowance. A copy of that letter is attached hereto as Exhibit B. As stated above, the file also contains the Notice of Abandonment mailed June 29, 2000.

Upon further review of the file, the following papers were loosely contained in the file, i.e. they were not bound into the file jacket as were the remaining file contents:

- Unsigned letter from Mr. Maoili to Mr. Kenichiro Nakata (the applicant's General Manager) dated January 18, 2001 advising the applicant about receipt of the Notice of Abandonment and regarding their preparation of a Petition for revival (attached hereto as Exhibit C);
- An unsigned draft petition dated January 18, 2001 entitled "Petition for Revival of An Application for Patent Abandoned Unavoidably Under 37 C.F.R. 1.137(a)" with Exhibits A-C and Exhibits 1-2 (attached hereto as Exhibit D);
- An unsigned and undated document entitled "Declaration of Jay H. Maioli in Support of Petition to Revive Unavoidably Abandoned Application Under 37 C.F.R. § 1.137(a) with Exhibits 1-2 (attached hereto as Exhibit E);
- An unsigned and undated document entitled "Declaration of Wendell Dunn in Support of Petition to Revive Unavoidably Abandoned Application Under 37 C.F.R. § 1.137(a) with Exhibit 1 (attached hereto as Exhibit F);
- An unsigned and undated document entitled "Declaration of Terron Breland in Support of Petition to Revive Unavoidably Abandoned Application Under 37 C.F.R. 1.137(a)" (attached hereto as Exhibit G);
- Two unsigned checks from Cooper & Dunham LLP PTO Account payable to the Commissioner of Patents and Trademarks in the amounts of \$110 and \$1240 (attached hereto as Exhibit H);

- A postcard dated January 18, 2001 itemizing the above documents (attached hereto as Exhibit I)
- An unsigned draft petition dated December 13, 2001 entitled "Petition for Revival of An Application for Patent Abandoned Unavoidably Under 37 C.F.R. 1.137(a)" (attached hereto as Exhibit J);

It is clear from the contents of the file that applicant's previous attorneys did not receive the Notice of Allowance, contacted the PTO to obtain a copy of the Notice of Allowance, and intended to petition the PTO for revival of the application and pay the issue fee (albeit incorrectly titling the petition an "unavoidable delay" instead of an "unintentional delay").

The entire delay from the due date for paying the issue fee until the filing of this petition was unintentional as the applicant, Sony Corporation, and its prior attorneys, Cooper & Dunham LLP, did not intend for the application to become abandoned, particularly since it had been successfully prosecuted and the Examiner indicated in an interview that the claims were allowable.

Applicant therefore petitions for revival of this application based on unintentional delay. A transmittal form for payment of the issue fee and authorization to charge the fee to our deposit account is submitted herewith. The petition fee in the amount of \$1500 and any additional fees due should be charged to Deposit Account No. 12-1095. In view of the documents submitted and statements made herein, it is

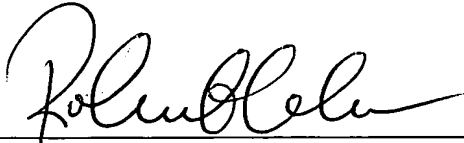
Application No.: 08/764,394

Docket No.: SONYJP 3.0-1204

respectfully requested that the present petition be granted and the application issue as a patent.

Dated: June 6, 2006

Respectfully submitted,

By 

Robert B. Cohen

Registration No.: 32,768
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

660183_1.DOC

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

000530

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

000530

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

Assignee Name and Address:

Sony Corporation
7-35, Kitashinagawa 6-chome
Shinagawa-Ku, Tokyo
141-0001; JAPAN

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Koichi Wada</i>	Date	Jan 16, 2006
Name	Koichi Wada	Telephone	011 81 3 5435 3910
Title	Manager, Intellectual Property Division		

BEST AVAILABLE COPY

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Sony Corporation

Application No./Patent

No./Control No.:

08/764,394

Filed/Issue Date:

December 11, 1996Entitled: TELEPHONE APPARATUS USED FOR COMPUTER NETWORK TELEPHONE SYSTEMSony Corporation

(Name of Assignee)

, a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 8453, Frame 0030, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Dennis M. Smid
Signature

1/27/06
Date

Dennis M. Smid, Esq.
Printed or Typed Name

(908) 654-5000
Telephone Number

Authorized Representative Of And Counsel For Applicant
Title

IN THE U.S. PATENT & TRADEMARK OFFICE

Please acknowledge receipt and filing of the following:

- POWERS OF ATTORNEY
- STATEMENTS UNDER 3.73(b)

See attached listing of 40 documents included with this submission

Dennis M. Smid, Esq.
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK

REF: SONY CORPORATION

1/31/06



RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

KINDLY ACKNOWLEDGE RECEIPT OF THE FOLLOWING



RECEIVED
JUN 16 2006
OFFICE OF PETITIONS

LDLKM FILE NUMBER	APPLICATION NO.
SONYJP 3.0-720 DIV I	11/085,490
SONYJP 3.0-751 CON III	11/093,329
SONYJP 3.0-774 DIV CONT II	11/096,430
SONYJP 3.0-791 CONT III	11/109,065
SONYJP 3.0-842	09/992,606
SONYJP 3.0-909	10/123,560
SONYJP 3.0-971	10/252,969
SONYJP 3.0-973	10/313,155
SONYJP 3.0-1049	10/738,418
SONYJP 3.0-1070	10/816,643
SONYJP 3.0-1071	10/825,004
SONYJP 3.0-1072	10/818,512
SONYJP 3.0-1073	10/825,340
SONYJP 3.0-1074	10/817,637
SONYJP 3.0-1075	10/832,857
SONYJP 3.3-1087	10/523,515
SONYJP 3.0-1126	10/998,775
SONYJP 3.0-1127	10/987,851
SONYJP 3.0-1128	10/998,778
SONYJP 3.0-1130	11/039,236
SONYJP 3.0-1132	11/045,990
SONYJP 3.0-1135	11/067,883
SONYJP 3.0-1136	11/070,744
SONYJP 3.0-1137	11/071,619
SONYJP 3.0-1139	11/087,166
SONYJP 3.0-1141	11/091,818
SONYJP 3.0-1142	11/093,416
SONYJP 3.0-1144	11/089,200
SONYJP 3.0-1148	11/102,431
SONYJP 3.0-1151	11/113,874
SONYJP 3.0-1152	11/126,894
SONYJP 3.0-1153	11/129,989
SONYJP 3.0-1154	11/126,985
SONYJP 3.0-1155	11/128,532
SONYJP 3.0-1156	11/135,259
SONYJP 3.0-1157	11/136,926
SONYJP 3.0-1158	11/144,109
SONYJP 3.0-1159	11/150,999
SONYJP 3.0-1192 DIV DIV	10/339,810
SONYJP 3.0-1204	08/764,394

COOPER & DUNHAM L.

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PELTON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY E. MILLER
ALBERT WAI-KIT CHAN
PAUL TENG
RICHARD F. JAWORSKI
VINCENT A. SIRECI
TODD W. EVANS
FRANK M. GASPARO
SPENCER H. SCHNEIDER
YUFENG LIU*

IVAN S. KAVRUKOV
PETER D. MURRAY
JAY H. MAIOLI
ROBERT B. G. HOROWITZ
DONALD S. DOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
ROBERT T. MALDONADO
ELIZABETH M. WIECKOWSKI
PEDRO C. FERNANDEZ
GARY J. GERSHIK
WILLIAM Y. LEE†
MICHAEL F. MORANO
RAYMOND A. DIPERNA*

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
GERALD W. GRIFFIN
JOHN R. GARBER

SCIENTIFIC ADVISORS
JANE M. LOVE, PH. D.
ALAN D. MILLER, PH. D.

FOUNDED 1887
www.cooperdunham.com

December 14, 1999

* NEW YORK STATE BAR ADMISSION PENDING
† NOT ADMITTED IN NEW YORK

Mr. Kenichiro Nakata
General Manager
Intellectual Property Dept.
Sony Corporation
6-7-35 Kitashinagawa, Shinagawa-ku
Tokyo 141
Japan

Attention: Mr. Kyoji Sawada

Re: U.S. Patent Appln. No.: 08/764,394
Your Ref.: S96P1065US00
Our Ref.: 52300

Dear Mr. Nakata:

We have just conducted a telephonic interview with Examiner Nguyen who is examining the above-identified application. During this interview, we discussed the recent Amendment filed in this application as reported to you with our letter of October 4, 1999.

We are pleased to advise at the conclusion of the interview it was determined, upon making minor editorial changes to claims 4 and 6, that these two claims would be in condition for allowance.

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

Mr. Kenichi Nakata

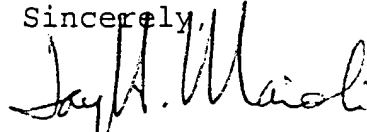
-2-

December 14, 1999

These changes will be made by way of Examiner's Amendment that will issue with the Notice of Allowance, and we look forward to sending that Notice to you shortly.

Best regards..

Sincerely,

A handwritten signature in cursive script, appearing to read "Jay H. Maioli".

Jay H. Maioli

JHM:dmcd
encl.

COOPER & DUNHAM LLP

ATTORNEYS AT LAW

1185 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036

TELEPHONE: (212) 278-0400

RECEIVED

JUN 16 2006

OFFICE OF PETITIONS

CHRISTOPHER C. DUNHAM
NORMAN H. ZIVIN
JOHN P. WHITE
WILLIAM E. PELTON
ROBERT D. KATZ
PETER J. PHILLIPS
WENDY E. MILLER
ROBERT T. MALDONADO
PAUL TENG
PEDRO C. FERNANDEZ
JANE M. LOVE
MICHAEL F. MORANO
RAYMOND A. DIPERNA
FRANK A. BRUNO
MEGHAN M. MAKARY*
CHRISTOPHER M. RIES

IVAN S. KAVRUKOV
PETER D. MURRAY
JAY H. MAIOLI
ROBERT B. G. HOROWITZ
DONALD S. DOWDEN
DONNA A. TOBIN
RICHARD S. MILNER
RICHARD F. JAWORSKI
ELIZABETH M. WIECKOWSKI
GARY J. GERSHIK
TODD W. EVANS
SPENCER H. SCHNEIDER
ALAN D. MILLER*
PATRICK T. SKACEL*
CHRISTINE S. NICKLES**

FACSIMILE: (212) 391-0525
(212) 391-0526
(212) 391-0630

OF COUNSEL
GERALD W. GRIFFIN
JOHN R. GARBER
ERIC D. KIRSCH

PATENT AGENT
JENNIFER H. BURDMAN

FOUNDED 1887
www.cooperdunham.com

January 18, 2001

* NEW YORK STATE BAR ADMISSION PENDING
** ADMITTED IN MASSACHUSETTS ONLY

VIA TELEFAX

Mr. Kenichiro Nakata
General Manager
Intellectual Property Dept.
Sony Corporation
6-7-35 Kitashinagawa, Shinagawa-ku
Tokyo 141
Japan

Attention : Mr. Kyoji Sawada

Re : U.S. Patent Appln, No.:08/764,394
Your Reference No.: S96P1065US00
Our Ref.: 52300

Dear Mr. Nakata:

We received a Notice of Abandonment for failure to pay the issue fee in the above-identified application. The issue fee was not paid because the Notice of Allowance was apparently lost in the mail and never received by us.

Therefore we have prepared a Petition for revival under 37 CFR 1.137(a) The Office of Petitions requests that the applicant submit additional information that the Notice of Allowance allegedly mailed by the Patent Office was not received by the applicant. We are submitting declarations in support of our belief that we never received the Notice of Allowance purportedly mailed by the Patent Office, based on our computerized and hardcopy docketing records. Since the hardcopy records comprise a photocopy of the first page of each communication received by our firm from the Patent Office during the relevant time period, amounting to almost a box of photocopies, we initially did not submit a copy of the hardcopy

U.S. Patent Appln, No.:08/764,394

Page 2

docketing records.

We have confidence that this Petition accompanied with the supplemental information will be granted.

As soon as we have anything further to report regarding this application, we shall promptly notify you.

Best regards.

Sincerely,

Jay. H. Maioli

JHM/RSR
encl.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hidekazu WATANABE et al.
Serial No.: 08/764,394
Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER NETWORK
TELEPHONE SYSTEM
Group A.U.: 2731
Examiner: : S. Nguyen

I hereby certify that this paper is being deposited this date with the
U.S. Postal Service as first class mail addressed to : Assistant
Commissioner for Patents, Box DAC, Washington, D.C. 20231

JAY H. MAIOLI
Reg. No. 27,213

Date

January 18, 2001
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

A Notice of Abandonment dated June 29, 2000 was
received by the undersigned on July 7, 2000. The stated

reason for the abandonment was applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

A FAX copy of the Notice of Allowance was obtained courtesy of Examiner S. Nguyen on December 14, 2000 and is enclosed as Exhibit A. The Issue Fee Transmittal Form is enclosed as Exhibit B.

The undersigned respectfully petitions for the revival of this application because the Notice of Allowance was not received and a search of the file and docket records indicate that the Notice of Allowance was not received. A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed is attached as Exhibit C.

Enclosed herewith also are:

- X A check for \$ 110 for the petition fee due under 37 C.F.R. §1.17(1); and
- X a check for \$ 1240 for the issue fee.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

JHM/RSR
encl.

Jay H. Maioli
Reg. No. 27,213
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036
Tel. (212) 278-0400

[\[Click here and type address\]](#)

facsimile transmittal

To: Rai Rashmir

Fax: 2123910630

From: Steven Nguyen

Date: 12/14/00

Re: 08/764934

Pages: 3

CC:

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

Notes: This is an office action that you requested.

CONFIDENTIAL

BEST AVAILABLE COPY

BEST AVAILABLE COPY**Notice of Allowability**

Application No.

08/764,394

Applicant(s)

Watanabe et al.

Examiner

Steven Nguyen

Group Art Unit

2731

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment E filed on 10/7/99

☒ The allowed claim(s) is/are 4 and 6 now renumbered 1-2 respectively

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☒ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 5.

☒ Including changes required by the proposed drawing correction filed on Nov 16, 1998, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

BEST AVAILABLE COPY11/15/99
12/17/99
DS

Page 2

Application/Control Number: 08/764394

Art Unit: 2731

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr Jay Maioli on 12/13/99.

2. The application has been amended as follows:

As claim 4, lines 7, after the recitation "input", inserting "first".

As claim 4, lines 14, after the recitation "input", inserting "second".

As claim 4, lines 25, deleting the recitation "first" and inserting "second" after the recitation "receive said".

As claim 6, lines 7, after the recitation "input", inserting "first".

As claim 6, lines 14, after the recitation "input", inserting "second".

3. The following is an examiner's statement of reasons for allowance:

Regarding claims 4 and 6, the prior arts fail to suggest or teach a telephone apparatus which comprises a single modem telephone line for connecting to telephone network and connection control means wherein the connection control means for allowing the first and second

BEST AVAILABLE COPY

Page 3

Application/Control Number: 08/764394

Art Unit: 2731

telephone sets to transmit an audio data packet which includes addresses of the first and second telephone set and first and second audio data within the structure of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

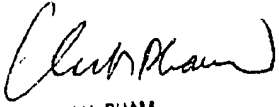
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Steven Nguyen
Art Unit 2731
December 13, 1999


CHI H. PHAM
SUPERVISORY PATENT EXAMINER
GROUP 2700
12/14/00

BEST AVAILABLE COPY**PART B—ISSUE FEE TRANSMITTAL**

Complete and mail this form, together with applicable fees, to:

**Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231**

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

JAY H MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.

FILING DATE

TOTAL CLAIMS

EXAMINER AND GROUP ART UNIT

DATE MAILED

08/764,394

12/11/96

02

Nguyen, S.

2731

12/17/99

First Named
Applicant

WATANABE, H.

TITLE OF
INVENTION TELEPHONE APPARATUS USED FOR COMPUTER NETWORK TELEPHONE SYSTEM

ATTY'S DOCKET NO.

CLASS-SUBCLASS

BATCH NO.

APPLN. TYPE

SMALL ENTITY

FEE DUE

DATE DUE

7217/52300

Utility

No

\$1,240.00

3 /17/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Jay H. Maioli

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE SONY CORPORATION

(B) RESIDENCE: (CITY & STATE OR COUNTRY) TOKYO, JAPAN

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 03-3125
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE

1/16/2001

Patent Information Print

Page: 1

Docket No 52300 Attorney JAY H. MAIOLI
Country United States Agent
Case Type REGULAR CASE TYPE Client\Divis SONY CORP. PATENTS DIVISI
Relation Typ CONTINUATION Current Owne 7217
Filing Type NATIONAL CASE Prev Own
Filing No Associate
Ag Ref No Oper Grp

Status Filed First Filing
Sub Stat Sub Stat Dt
Parent Count Parent Filin
Parent No Parent Grant
Total Claims Ind. Claims

Application 08/764394 Application 11DE1996
Patent No Grant Dt
Publication Publication
Assigned Expiration D
Conv Type Continuing Prosecution Ap Tax Base Dt
Next Tax Dt

Customer D4PP Verified N

Create Dt 11SE1998 Update User WAD
Update Dt 11JL2000 Update Tm 4:52 PM

** Actions **

Action DECLARATION DUE
Act Due Date 11FE1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action INFORMATION DISCLOSURE ST
Act Due Date 11MR1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action MISSING PARTS DUE
Act Due Date 13AP1997 DeadLn Dt
Taken Dt 26MR1997 Comp Dt
Resp Atty #1 Resp Atty #2

Action 8mo FOREIGN FILING REMIND
Act Due Date 11AU1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 10mo FOREIGN FILING REMI
Act Due Date 11OC1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 11mo FOREIGN FILING REMIN
Act Due Date 11NO1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 12mo FOREIGN FILING DEADL
Act Due Date 11DE1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 03MY1998 DeadLn Dt
Taken Dt 22AP1998 Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 19FE1999 DeadLn Dt
Taken Dt 14MY1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action 6 MONTH RESPONSE DUE
Act Due Date 19MY1999 DeadLn Dt
Taken Dt 14MY1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 27OC1999 DeadLn Dt
Taken Dt 04OC1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action PETITION TO REVIVE DUE
Act Due Date 29SE2000 DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action FILING RECEIPT RECEIVED
Act Due Date DeadLn Dt
Taken Dt 03JE1997 Comp Dt
Resp Atty #1 Resp Atty #2

Action NOTICE OF ABANDONMENT
Act Due Date DeadLn Dt
Taken Dt 07JL2000 Comp Dt
Resp Atty #1 Resp Atty #2

Action EXAMINER ISSUED ADV. ACTI
Act Due Date DeadLn Dt
Taken Dt 28AU1998 Comp Dt
Resp Atty #1 Resp Atty #2

** Inventors **

Assigned

Inv Name WATANABE, Hidekazu

1/16/2001

Patent Information Print

Page: 3

** Title **

Title (OLD#S96P1065US00) (NEW#S96P1065US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.
Serial No. : 08/764,394
Date Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM
Group Art Unit : 2731
Examiner : S. Nguyen

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

**DECLARATION OF JAY H. MAIOLI IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)**

I, Jay H. Maioli, hereby declare as follows:

1. I am, and was at all relevant times referred to below, registered to practice before the United States Patent and Trademark Office ("PTO"), and the attorney of record for the above-identified application.
2. A Notice of Abandonment dated June 29, 2000, a copy of which is attached as Exhibit 1, was received by our firm on July 7, 2000 in connection with the subject application.

The June 29, 2000 Notice of Abandonment indicated that applicant failed to pay the issue fee within the response period of a Notice of Allowance that purportedly was issued by the PTO.

3. At my instruction, our Associate Rashmi Raj spoke with Examiner S. Nguyen by telephone on December 11, 2000 to explain to the Examiner that we did not receive the Notice of Allowance and to request a copy of the Notice of Allowance. After the telephone conference, we received from Examiner Nguyen by facsimile a courtesy copy of the Notice of Allowance.
4. I am filing a Petition on January 18, 2001 to revive the subject application. This Declaration is submitted to supplement the showing in support of this Petition.
5. It is my experience and belief that all mail addressed to me and received by our firm from the PTO is first processed, including stamping it with the date of receipt, by our docketing department on the day it is received by the firm or on the next business day, before it is relayed to me via our intra-firm mail system.
6. The procedure that I have followed routinely for more than 12 years, including at all relevant times referred to herein, for handling mail I receive through our intra-firm mail system from the PTO is described below.

7. For each item of mail that I receive from the PTO, I routinely determine the following at the time I read the item: (a) the mailing date of, if indicated on, the item; (b) the date on which it was received by our firm as stamped on the item by our docketing department; (c) whether action, such as a response to be filed with the PTO, is required; and (d) if such response is required, the due date for the response.
8. At or about the time I determine the due date for a response to be filed with the PTO, I write the following information in my monthly planner in the square corresponding to the due date: (a) our docket number for the application in connection with which the response is due on that date; and (b) identification of the response that is due on that date.
9. I have looked through my 1999/2000 monthly planners and found no entries that indicate or suggest that I received the Notice of Allowance that was mailed by the PTO on December 17, 1999. Attached as Exhibit 2 hereto are copies of the pages from my 1999/2000 monthly planners which covers the period of December 17, 1999 to February 1, 2000.
10. Therefore, it is my belief that I did not receive the Notice of Allowance that was mailed by the PTO on December 17, 1999.

Application of Hidekazu Watanabe et al.
Serial No. 08/764,394
Page 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: _____

Jay H. Maioli
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

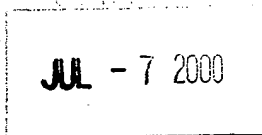
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JHM

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/764 394	12/11/96	WATANABE	11 721775-2000

JAY H MAIOLI
COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

7542/0629



DOCKET CLERK

EXAMINER

NGUYEN, S

ART UNIT	PAPER NUMBER
----------	--------------

2751

18

DATE MAILED: 06/29/00

Petition to Revoke: 9/29/00
W.D.

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.
Serial No. : 08/764,394
Date Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM
Group Art Unit : 2731
Examiner : S. Nguyen

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

**DECLARATION OF WENDELL DUNN IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)**

I, Wendel Dunn, hereby declare that:

1. I am currently, and have been since the start of my employment in April 1999 at the firm of Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham"), in charge of the docketing department at the firm.
2. Since the start of my employment at Cooper & Dunham, each person employed in our docketing department has been trained to follow, and to my knowledge follows, our

procedures for processing mail received from the United States Patent and Trademark Office ("PTO"), as described below. Based on information and belief, these same procedures have been in place and followed by our docketing department since many years prior to December 1999.

3. On information and belief, it has been the procedure of the docketing department at Cooper & Dunham since many years before December 1999 to obtain all mail received from the PTO directly from the Cooper & Dunham mailroom as soon as it is received from the Post Office. Such mail is processed by our docketing department in the manner described below on the same day or, if the mail is received late, on the next business day.
4. For each item of mail received from the PTO, our docketing department processes the item as follows: (a) stamp the date of receipt of the item on the first page of the item; (b) identify the attorney responsible for handling prosecution of the application, and, if the attorney is not the addressee of the item of mail, write the initials of the attorney who is responsible at the top-right corner on the first page of the item; (c) make a photocopy of the first page, and in a few instances additional selected pages, of the item and place the photocopy in the file system of our docketing department for storing such photocopy pages, which is organized with separate folders for each attorney and chronologically with in each file; (d) determine the type of action of the item received and enter the action type in our computer docketing system; (e)

determine the due date of any action that must be taken, such as payment of issue fee in response to a Notice of Allowance, and if any such actions are required, enter in our computer docketing system the due dates for the corresponding actions; and (f) place the item directly in the in-tray of the appropriately indicated attorney.

5. Attached hereto as Exhibit 1 is a copy of a computer printout of our docketing record on December 17, 1999, from our computer docketing system, corresponding to the above-identified patent application.
6. As shown in Exhibit 1, a number of actions were docketed in connection with the subject application, including (a) an Amendment filed October 4, 1999 in response to the Office Action dated July 27, 1999, and (b) a Notice of Abandonment dated June 29, 2000 received from the PTO.
7. As shown in Exhibit 1, there is, however, no actions docketed in our system that were due between December 17, 1999 and February 1, 2000 in connection with the subject application.
8. Under my instructions and supervision, our docketing department file system (described in Paragraph 4 herein), including folders therein for all the attorneys of the firm, was searched for a Notice of Allowance dated December 17, 1999 that was mailed from the PTO in connection with the subject application.

9. The collection of photocopy pages of mail received for Jay H. Maioli from the PTO during the period of December 17, 1999 through February 1, 2000 that are in our docketing department file system totals to approximately one stack of pages. The December 17, 2000 Notice of Allowance was not found in that approximately one stack of pages.
10. Enclosed herewith is a complete copy of the collection of photocopy pages, as referred to in Paragraph 9 of this Declaration, in our docketing department file system corresponding to mail received by Cooper & Dunham from the Patent and Trademark Office during the period of December 17, 1999 to February 1, 2000.
11. Based on the above, it is my belief that Cooper & Dunham did not receive a Notice of Allowance dated December 17, 1999 that was mailed from the PTO in connection with the subject application.

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Wendell Dunn

Docket No	52300	Attorney	JAY H. MAIOLI
Country	United States	Agent	
Case Type	REGULAR CASE TYPE	Client\Divis	SONY CORP. PATENTS DIVISI
Relation Typ	CONTINUATION	Current Owne	7217
Filing Type	NATIONAL CASE	Prev Own	
Filing No		Associate	
Ag Ref No		Oper Grp	
Status	Filed	First Filing	
Sub Stat		Sub Stat Dt	
Parent Count		Parent Filin	
Parent No		Parent Grant	
Total Claims		Ind. Claims	
Application	08/764394	Application	11DE1996
Patent No		Grant Dt	
Publication		Publication	
Assigned		Expiration D	
Conv Type	Continuing Prosecution Ap	Tax Base Dt	
		Next Tax Dt	
Customer	D4PP	Verified	N

Create Dt	11SE1998	Update User	WAD
Update Dt	11JL2000	Update Tm	4:52 PM

** Actions **

Action	DECLARATION DUE	
Act Due Date	11FE1997*	DeadLn Dt
Taken Dt		Comp Dt
Resp Atty #1		Resp Atty #2

Action	INFORMATION DISCLOSURE ST	
Act Due Date	11MR1997*	DeadLn Dt
Taken Dt		Comp Dt
Resp Atty #1		Resp Atty #2

Action	MISSING PARTS DUE	
Act Due Date	13AP1997	DeadLn Dt
Taken Dt	26MR1997	Comp Dt
Resp Atty #1		Resp Atty #2

Action	8mo FOREIGN FILING REMIND	
Act Due Date	11AU1997*	DeadLn Dt
Taken Dt		Comp Dt
Resp Atty #1		Resp Atty #2

Action	10mo FOREIGN FILING REMI	
Act Due Date	11OC1997*	DeadLn Dt
Taken Dt		Comp Dt
Resp Atty #1		Resp Atty #2

Action 11mo FOREIGN FILING REMIN
Act Due Date 11NO1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 12mo FOREIGN FILING DEADL
Act Due Date 11DE1997* DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 03MY1998 DeadLn Dt
Taken Dt 22AP1998 Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 19FE1999 DeadLn Dt
Taken Dt 14MY1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action 6 MONTH RESPONSE DUE
Act Due Date 19MY1999 DeadLn Dt
Taken Dt 14MY1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action 3 MONTH RESPONSE DUE
Act Due Date 27OC1999 DeadLn Dt
Taken Dt 04OC1999 Comp Dt
Resp Atty #1 Resp Atty #2

Action PETITION TO REVIVE DUE
Act Due Date 29SE2000 DeadLn Dt
Taken Dt Comp Dt
Resp Atty #1 Resp Atty #2

Action FILING RECEIPT RECEIVED
Act Due Date DeadLn Dt
Taken Dt 03JE1997 Comp Dt
Resp Atty #1 Resp Atty #2

Action NOTICE OF ABANDONMENT
Act Due Date DeadLn Dt
Taken Dt 07JL2000 Comp Dt
Resp Atty #1 Resp Atty #2

Action EXAMINER ISSUED ADV. ACTI
Act Due Date DeadLn Dt
Taken Dt 28AU1998 Comp Dt
Resp Atty #1 Resp Atty #2

** Inventors **

Assigned

Inv Name WATANABE, Hidekazu

/16/2001

Patent Information Print

Page: 3

** Title **

Title (OLD#S96P1065US00) (NEW#S96P1065US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Hidekazu WATANABE et al.
Serial No. : 08/764,394
Date Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER
NETWORK TELEPHONE SYSTEM
Group Art Unit : 2731
Examiner : S. Nguyen

1185 Avenue of the Americas
New York, N.Y. 10036
(212) 278-0400

Assistant Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

**DECLARATION OF TERRON BRELAND IN SUPPORT OF PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(a)**

I, Terron Breland, hereby declare that:

1. I am currently and have been continuously since 1994 in charge of the mailroom at Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036 ("Cooper & Dunham").
2. Each person employed in the mailroom at Cooper & Dunham during the period of time that I have been in charge of our mailroom has been instructed to hold all mail received from

Application of Hidekazu WATANABE et al.

Serial No. 08/764,394

Page 2

the United States Patent and Trademark Office for pick-up
by the Cooper & Dunham docketing department.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Terron Breland

COOPER & DUNHAM LLP

Inv. Date	Inv. No.	Invoice Description
01-17-01	1-47308	7217-52300

P 47308 RGR
Amount
110.00

1038

*

01/17/2001

\$110.00

PRINTED IN U.S.A.

LR2214LN1

AMERIFORMS 1-800-445-1700

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

COOPER & DUNHAM LLP

PTO ACCOUNT

1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

HSBC
HSBC Bank USA

1-108/210

DATE

01/17/2001

AMOUNT

\$110.00

P 47308

One Hundred Ten and No/100 Dollars-----

PAY
TO THE
ORDER
OF

COMMISSIONER OF PATENTS AND TRADEMARKS

*

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈047308⑈ ⑆021001088⑆ 011779241⑈

BEST AVAILABLE COPY

COOPER & DUNHAM LLP

Inv. Date 01-17-01 Inv. No. 1-47309 Invoice Description 7217-52300

P 47309 RSK
Amount
1,240.00

1038

*

01/17/2001

\$1,240.00

LR2214LN1

AMERIFORMS 1-800-445-1700

PRINTED IN U.S.A.

COOPER & DUNHAM LLP

PTO ACCOUNT

1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

HSBC 
HSBC Bank USA

1-100/210

DATE

01/17/2001

P 47309

AMOUNT

\$1,240.00

One Thousand Two Hundred Forty and No/100 Dollars-----

981110-12-00
PAY
TO THE
ORDER
OF

COMMISSIONER OF PATENTS AND TRADEMARKS

*

 SECURITY FEATURES INCLUDED. DETAILS ON BACK. 

⑈047309⑈ ⑈021001088⑈ 011⑈77924⑈1⑈

Applicant Hidekazu Watanabe et. al. 08/764,394
Client 7217 File No. 52300 Atty. JHM/RSR
Date January 18, 2001

Kindly acknowledge receipt of the accompanying

In connection with serial No. 08/764,394

- 1) Petition for Revival of an application for patent abandoned
unavoidably (Exhibits A, B and C)
- 2) Declaration of Jay H. Maioli (Exhibits 1 and 2)
- 3) Declaration of Wendell Dunn (Exhibit 1, and Photocopied
pages of mail received from the Patent Trademark Office dating
Dec 17, 1999-Feb 1, 2000)
- 4) Declaration of Terron Breland
- 5) Check for \$ 110.00 petition fee
- 6) Check for \$1,240.00 issue fee
- 7) Certificate of mailing dated January 18, 2001

by placing your receiving date stamp hereon and returning to us.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hidekazu WATANABE et al.
Serial No.: 08/764,394
Filed : December 11, 1996
For : TELEPHONE APPARATUS USED FOR COMPUTER NETWORK
TELEPHONE SYSTEM
Group A.U.: 2731
Examiner : S. Nguyen

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.	
Jay H. Maioli Reg. No. 27,213	<u>December 13, 2001</u> Date

December 13, 2002
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 C.F.R. §1.137(a)

Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

A Notice of Abandonment dated June 29, 2000 was received by the undersigned on July 7, 2000. The stated reason for the abandonment was applicant's failure to timely pay the required issue fee within the statutory period of

three months from the mailing date of the Notice of Allowance.

A FAX copy of the Notice of Allowance was obtained courtesy of Examiner S. Nguyen on December 14, 2000 and is enclosed as Exhibit A. The Issue Fee Transmittal Form is enclosed as Exhibit B.

The Undersigned respectfully petitions for the revival of this application because the Notice of Allowance was not received and a search of the file and docket records indicate that the Notice of Allowance was not received. A copy of the docket record where the Notice of Allowance would have been entered had it been received and docketed is attached as Exhibit C.

Enclosed herewith also are:

X_____ A check for \$ 110 for the petition fee due under
37 C.F.R. §1.17(1); and

X_____ A check for \$ 1240 for the issue fee.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

Jay H. Maioli
Reg. No. 27,213
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036
Tel. (212) 278-0400

JHM/SL:cr
encl.